

राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, ३ मई, २०१३ / १३ वैशाख, १९३५

हिमाचल प्रदेश सरकार

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 1st May, 2013

No. HHC/GAZ/14-218/95-III-B.—The Hon'ble High Court is pleased to order that the following Mobile Traffic Magistrates alongwith supporting staff *i.e.* Clerks-cum-Steno-Typists and Peons, working in the Revenue Divisions Mandi and Shimla, shall cease to hold the office of the aforesaid courts with effect from the date(s) shown against each:—

1. Shri Pawan Kumar Hazri, Mobile Traffic Magistrate, Revenue Division, Mandi alongwith staff, shall cease to hold the office on and *w.e.f.* 2-5-2013(A.N.).

2. Shri K. S.Thakur, Mobile Traffic Magistrate, Revenue Division, Shimla alongwith staff, shall cease to hold the office on and *w.e.f.* 9-5-2013(A.N.).

By order, Sd/-Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 0 01

NOTIFICATION

Shimla, the 1st May, 2013

No. HHC/GAZ/14-53/74-V.—In the interest of administration, the following transfers and postings of the members of the H. P. Judicial Service are hereby ordered with immediate effect:—

- 1. Shri Rakesh Kumar Chaudhary, Joint Director, H. P. Judicial Academy is transferred and posted as Additional District and Sessions Judge(1), Una.
- 2. Shri Padam Singh, Additional District and Sessions Judge(2), Mandi is posted as Additional District and Sessions Judge(1), Mandi.
- 3. Shri Davinder Kumar, will remain posted as Additional District and Sessions Judge (2), Una instead of Additional District and Sessions Judge(1), Una.

This is in continuation of this Registry Notification No. HHC/GAZ/14-53/74-V-11830-52 dated 29/30-4-2013.

By order of the Hon'ble High, Court of Himachal Pradesh, Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

NOTIFICATION

Shimla, the 30th April, 2013

No. HHC/Admn.6 (23)/74-XV.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2 (32) of Chapter 1 of H .P. Financial Rules, 2009 has been pleased to declare Civil Judge (Senior Division)-cum-JMIC, Theog as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Junior Division)-cum-JMIC, Chopal and also the Controlling Officer for the purpose of T.A. etc. in respect of establishment attached to the aforesaid Court under head "2014 Administration of Justice" with immediate effect till Sh. Nittin Mittal returns from leave.

By order, Sd/-Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 30th April, 2013

No. HHC/GAZ/ 14-266/2003.—Hon'ble the Chief Justice has been pleased to grant expost facto sanction of three days' commuted leave *w.e.f.* 16-4-2013 to 18-4-2013 with permission to suffix gazetted holiday fell on 19.4.2013 in favour of Ms. Sapna Pandey, Civil Judge (Senior Division)-cum-JMIC, Rampur Bushaher, H. P.

Certified that Ms. Sapna Pandey has joined the same post and at the same station from where she proceeded on leave, after expiry of the above period of leave.

Also certified that Ms. Sapna Pandey would have continued to hold the same post of Civil Judge (Senior Division)-cum-JMIC. Rampur Bushaher, H.P., but for her proceeding on leave for the above period.

By order, Sd/-Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171 001

NOTIFICATION

Shimla, the 30th April, 2013

No. HHC/Admn.6 (18)77-VII.—In exercise of the powers vested in it under Section 13 of the code of Criminal Procedure 1973, the Hon'ble High Court of Himachal Pradesh has been pleased to confer the powers of Special Judicial Magistrate Ist Class upon Sh. Naresh Thakur, HAS, Asstt. Commissioner, Municipal Corporation, Shimla, for a period of one year, to try the offences detailed in Schedule-II of Section 383 and 352 of the Himachal Pradesh Municipal Corporation Act, 1994 with power to try the aforesaid offences, summarily under section 260 of the Code of Criminal Procedure, 1973, within the local limits of Municipal Corporation, Shimla.

By order, Sd/-Registrar General.

HIGH COURT OF HIMACHAL PRADEESH, SHIMLA- 171001

NOTIFICATION

Shimla, the 1st May, 2013

No. HHC/GAZ/14-254/2002-1.—Hon'ble the Chief Justice has been pleased to grant expost facto sanction of three days' commuted leave *w.e.f.* 8-4-2013 to 10-4-2013 in favour of Shri Naresh Kumar, Civil Judge (Senior Division)-cum-JMIC(1), Palampur, District Kangra, H.P.

Certified that Shri Naresh Kumar has joined the same post and at the same station from where he proceeded on leave, after expiry of the above period of leave.

Also certified that Shri Naresh Kumar would have continued to hold the same post of Civil Judge (Senior Division)-cum-JMIC(1), Palampur, District Kangra, H.P., but for his proceeding on leave for the above period.

By order, Sd/-Registrar General.

MUNICIPAL COUNCIL NAGROTA BAGWAN (CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS 2012

NOTIFICATION

Dated, the 11th April, 2013

No. MCNB/2013-229.—WHEREAS the Municipal Council Nagrota Bagwan after due publicity to enact/make the Muck Dumping Bye-Laws 2012 had invited objections from general public and private individuals/bodies/organizations etc. likely to be effected by these Bye-Laws/Rules with the request/stipulation that the above stated Bye-Laws shall be considered by the House of Municipal Council Nagrota Bagwan for its final approval after the expiry of a specific period of 15 days from the date of their putting on the Notice board dated 19-12-2012.

AND WHEREAS subsequent upon the completion of the due process and necessary codal formalities no objections were received in the office of the Municipal Council Nagrota Bagwan.

NOW THEREFORE, the following Muck Dumping Bye-Laws 2012 made by Municipal Council Nagrota Bagwan in exercise of the powers conferred by Sections 216, 217 and Section 219 read with clause (y and zb) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) amended from time to time and their further adoption unanimously by the House of Municipal Council Nagrota Bagwan vide Resolution No. 346 Dated 07-12-2012, are hereby finally published in Rajpatra H. P. (Extraordinary) for the information of general public namely:—

"Municipal Council Nagrota Bagwan (Control and Regulation) of Muck Dumping Bye-Laws, 2012."

- 1. Short title, commencement and application.—(i) These Bye-Laws may be called "Municipal Council Nagrota Bagwan (Control & Regulation) of Muck Dumping Bye-Laws, 2012".
- (ii) These Bye-Laws shall come into force from the date of their publication in Rajpatra (extraordinary) Himachal Pradesh.
- (iii) These Bye-Laws shall be applicable within the jurisdiction of Municipal Council Nagrota Bagwan as defined from time to time.
 - **2. Definitions.**—(i) In these Bye-Laws, unless the context otherwise requires:—
 - (a) "Act" means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994 as amended from time to time.

- (b) "Applicant"— means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the Municipal Council Nagrota Bagwan.
- (c) "Authorized Officer" means any Officer/official duly authorized by the Municipal Council Nagrota Bagwan under these Bye-Laws.
- (d) "Muck"— includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
- (e) "Place"—means authorized site specified by the Municipal Council Nagrota Bagwan for dumping of Muck.
- (f) "Judicial Magistrate First Class"—means the Judicial Magistrate having jurisdiction over the area of Municipal Council Nagrota Bagwan under the Act.
- (g) words and expressions used in these Bye-Laws but not defined herein shall have the meaning respectfully assigned to them under Act.
- 3. Prohibition of Muck Dumping.—(i) no person, either himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the Municipal Council Nagrota Bagwan for dumping of Muck within its area.
- (ii) any person found dumping the Muck illegally, unauthorizedly and without any permission shall be liable for penalty under these Bye-Laws and the vehicle or tools used for such dumping shall be impounded.
- **4. Procedure for Application and grant of permission.**—(*i*) applicant or the person concerned intended to commence the construction within the area of Municipal Council Nagrota Bagwan shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the Municipal Council Nagrota Bagwan on the prescribed proforma annexed with these Bye-Laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.
- (ii) the estimate submitted by the applicant shall be verified by the concerned official after inspection and thereafter the carriage of muck to be generated form the plot/ construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.
- (iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the Municipal Council Nagrota Bagwan on this account.
- (iv) the place for dumping of muck shall be communicated to the applicant by the Municipal Council Nagrota Bagwan authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further intimation of the same shall be given to the concerned official or to the concerned agency or the contractor hired or engaged by the Municipal Council Nagrota Bagwan for managing the dumping site.
- (v) dumping transportation of the muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the Municipal Council Nagrota Bagwan at the time of inspection.
- (vi) there shall be a restriction on movement of the vehicle carrying Muck after the sun set and before sun rise. The normal timings for dumping the Muck in the dumping site shall be between 9.00 A. M. to 5.00 P.M. However, in the case of exigencies, the Municipal Council Nagrota Bagwan may in writing relax such restrictions.
- (vii) no one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the Municipal Council Nagrota Bagwan in the large public interest or in

the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.

- (viii) the person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of size of 3feet x 2feet indicating therein the number and date of the sanction commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office/control room set up by the Municipal Council Nagrota Bagwan for entertainment of complaints etc.
- (ix) the Municipal Council Nagrota Bagwan shall prescribe the condition relating to the applicant of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.
- 5. Rate for dumping of Muck- the following rates shall be applicable for dumping of Muck in the specified places.

(i) Manual
 (ii) Mule
 (iii) Pick up
 (iv) Tipper light duty
 (v) Tipper Heavy duty/truck
 Rs. 10/- Per load
 Rs. 20/- Per mule
 Rs. 300/- per pickup
 Rs. 700/- per tipper
 Rs. 1200/- per tipper/truck

an increase of 10% these rates shall be applicable after every financial year which shall be notified by the Municipal Council Nagrota Bagwan.

- **6. Duties and responsibilities of person concerned.**—(*i*) it shall be the duty and responsibility of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified place as specified by the Municipal Council Nagrota Bagwan.
- (ii) whosever is found dumping Muck other than the place specified by the Municipal Council Nagrota Bagwan, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye-Laws.
- (iii) at the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.
- 7. Impounding of vehicle.—(i) the authorized officer or the police establishment of the Municipal Council Nagrota Bagwan in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provision of these Bye-Laws.
- (ii) the vehicle shall only be released in case the registered owner of the vehicle applies for compounding of offences under these Bye-Laws.
- (iii) the official impounding the vehicle shall immediately repot in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the Municipal Council Nagrota Bagwan till it is not released to the registered owner.

The halt charges of the vehicle at such designated place shall be levied at the rate of Rs 1000.00 per day payable by registered owner to the Municipal Council Nagrota Bagwan in cash or through demand draft.

- **8.** Compounding of offences-all the offences punishable under these Bye-Laws may, before, the institution of prosecution, be compounded by such officer as may be authorized by the Municipal Council Nagrota Bagwan or Executive Officer in this behalf, on payment of such sum as may be specified by such officer under these Bye-Laws.
- **9.** Offences to be tried summarily- the offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned Municipal area under section 260 of the code of Criminal Procedure.
- **10. Penalty.**—(*i*) whosever, is guilty of dumping Muck other than the place specified/notified by the Municipal Council Nagrota Bagwan, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Municipal Council Nagrota Bagwan in respect of the class and make of vehicle as defined in Clause 5 of these Bye-Laws.
- (ii) in case of repeated violation, in addition to penalty as specified above, owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and other civic amenities and the concerned Officer/official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order -Sd-Executive Officer, Municipal Council, Nagrota Bagwan.

MUNICIPAL COUNCIL HAMIRPUR (CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2012

NOTIFICATION

Dated, the 24th April, 2013

Hon'ble High Court Order Dated 19-10-2012 passed in CWPIL 10/2012

No. I-J/Muck Dumping Bye Laws/1188-89/MCH/2013.— The following Muck dumping bye – laws, 2012 made by the M C. Hamirpur in exercise of the power conferred by Section 216, 217 and Section 219 read with Clause (y and zb) of sub section (i) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC Hamirpur after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye- laws has any, objection (s) against these draft rules, he may send the written objections to the Executive Officer of MC Hamirpur, within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the MC Hamirpur before finalizing, these bye-laws namely:—

M.C. Hamirpur (Control and Regulation) of Muck Dumping Bye – laws, 2012

- 1. Short title, commencement and application.— (i) These Bye–laws may be called, MC Hamirpur (Control and Regulation) of Muck Dumping Bye–Laws, 2012.
- (ii) These Bye–laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- (iii) These Bye–laws shall be applicable within the jurisdiction of MC Hamirpur as defined from time to time .
 - **2. Definitions.** (i) In these Bye- laws, unless the context otherwise requires:—
 - (a) **Act**-means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
 - (b) **Applicant**—means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC Hamirpur.
 - (c) **Authorized Officer**—means any Officer/official duly authorized by the MC Hamirpur under these Bye–laws.
 - (d) **Muck** includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
 - (e) **Place-** means authorized site specified by the MC Hamirpur for dumping of Muck.
 - (f) **Judicial Magistrate First Class** means the judicial Magistrate having jurisdiction over the area of MC Hamirpur under the Act.
 - (g) Words and expressions used in these Bye- laws but not defined here in shall have the meaning respectfully assigned to them under the Act.
- **3. Prohibition on Muck Dumping.**—(*i*) no person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the MC Hamirpur for dumping of Muck within their area.
- (ii) any person found dumping the Muck illegally, unauthorisedly and without any permission shall be liable for penalty under these Bye–laws and the vehicle or tools used for such dumping shall be impounded.
- 4. Procedure for Application and grant of permission.—(i) applicant or the person concerned intended to commence the construction within the area of the MC Hamirpur shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the MC Hamirpur on the prescribed proforma annexed with these Bye–laws as appendix-1 At the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.
- (ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot/construction site

shall be assessed for raising the bill and for according necessary permission in favour of the applicant.

- (iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC Hamirpur on this account.
- (iv) The place for dumping of Muck shall be communicated to the applicant by the MC Hamirpur authority in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the MC Hamirpur for managing the dumping site.
- (v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the MC Hamirpur at the time of inspection.
- (vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the muck in the dumping site shall be between 9.00 A. M. to 5.00 P. M. However, in the case of exigencies, the MC Hamirpur may in writing relax such restrictions.
- (vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC in the larger public interest or in the case of emergent situation may relax such imposition /restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.
- (viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of. X... indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office/Control Room set up by the MC for entertainment of complaints etc.
- (ix) The MC shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.
- **5.** Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(i) Pick up
 (ii) Tipper light duty
 (iii) Tipper Heavy duty / truck
 Rs. 300 /- per pick up
 Rs. 700 /- per tipper
 Rs. 1200 /- per tipper / truck

(iv) By Manual Rs. 5/-(v) By Mule Rs. 20/-

An increase of 10 % on these rates shall be applicable after every financial year which shall be notified by the MC Hamirpur.

6. Duties and responsibilities of person concerned .—(*i*) It shall be the duty and responsibilities of owner to make available all the sanction/ permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in a specified places as specified by the M C Hamirpur.

- (ii) Whosoever is found dumping Muck other than the place specified by the M.C. Hamirpur, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye –laws .
- (iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.
- 7. **Impounding of Vehicle.**—(*i*) The authorized officer or the police establishment of the MC Hamirpur in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye –laws .
- (ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye –laws.
- (iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the MC Hamirpur till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000 /- per day payable by registered owner to the MC Hamirpur in cash or through demand draft.
- **8.** Compounding of Offences .—All the offences punishable under these Bye–laws may, before, the institution of Prosecution, be compounded by such officer as may be authorized by the MC Hamirpur or Executive Officer in this behalf, on payment of such sum as may be specified by such officer under these Bye –laws.
- 9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned Municipal area under section 260 of the Code of Criminal Procedure.
- 10. Penalty .—(i) Whosoever, is guilty of dumping Muck other than the place specified /notified by the MC Hamirpur, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the MC Hamirpur in respect of the class and make of vehicle as defined in Clause 5 of these Bye –laws.
- (ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction /execution work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

SITE PROVIDED FOR MUCK DUMPING

Municipal Council Hamirpur provided two sites for muck dumping which are appended below:—

1. Bajuri 2. Dugneri near SWM Project.

By order, Sd/-Executive Officer, Municipal Council Hamirpur, Distt. Hamirpur (H.P.).

MUNICIPAL COUNCIL HAMIRPUR (CONTROL AND REGULATION) OF MUCK DUMPING BYE-LAWS, 2012

NOTIFICATION

Dated, the 24th April, 2013

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If any person, likely to be affected by these draft bye-laws has any, objection (s) against these draft rules, he may send the written objections to the Executive Officer of MC Hamirpur, within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the MC Hamirpur before finalizing, these bye –laws namely:—

M.C. Hamirpur (Control and Regulation) of Muck Dumping Bye-laws, 2012

- **1. Short title, commencement and application.**—(*i*) These Bye–laws may be called, MC Hamirpur (Control and Regulation) of Muck Dumping Bye–Laws, 2012 .
- (ii) These Bye–laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- (iii) These Bye–laws shall be applicable within the jurisdiction of MC Hamirpur as defined from time to time.
 - **2. Definitions** .—(i) In these Bye- laws, unless the context otherwise requires :—
 - (a) Act means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
 - (b) **Applicant**—means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the MC Hamirpur.
 - (c) **Authorized Officer**—means any Officer/official duly authorized by the MC Hamirpur under these Bye–laws.
 - (d) **Muck**—includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
 - (e) **Place-** means authorized site specified by the MC Hamirpur for dumping of Muck.
 - (f) **Judicial Magistrate First Class**—means the judicial Magistrate having jurisdiction over the area of MC Hamirpur under the Act.
 - (g) Words and expressions used in these Bye- laws but not defined here in shall have the meaning respectfully assigned to them under the Act.

- **3. Prohibition on Muck Dumping.**—(*i*) no person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the MC Hamirpur for dumping of Muck within their area.
- (ii) any person found dumping the Muck illegally, unauthorisedly and without any permission shall be liable for penalty under these Bye–laws and the vehicle or tools used for such dumping shall be impounded.
- **4. Procedure for Application and grant of permission.**—(*i*) applicant or the person concerned intended to commence the construction within the area of the MC Hamirpur shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the MC Hamirpur on the prescribed proforma annexed with these Bye–laws as appendix-1 At the time of submission of their building map / plan for sanction. The building plan without such estimate shall not be considered for sanction.
- (ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.
- (iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC Hamirpur on this account.
- (*iv*) The place for dumping of Muck shall be communicated to the applicant by the MC Hamirpur authority in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency or the contractor hired or engaged by the MC Hamirpur for managing the dumping site.
- (v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the MC Hamirpur at the time of inspection.
- (vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before the sun rise. The normal timings for dumping the muck in the dumping site shall be between 9.00 A. M. to 5:00 P. M. However, in the case of exigencies, the MC Hamirpur may in writing relax such restrictions.
- (vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.
- (viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board of the size of. X... indicating therein the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office/ Control Room set up by the MC for entertainment of complaints etc.

- (ix) The MC shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.
- **5.** Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(i) Pick up
(ii) Tipper light duty

Rs. 300 /- per pick up
Rs. 700 /- per tipper

(iii) Tipper Heavy duty / truck Rs. 1200 /- per tipper / truck

(iv) By Manual Rs. 5/-(v) By Mule Rs. 20/-

An increase of 10 % on these rates shall be applicable after every financial year which shall be notified by the MC Hamirpur.

- **6. Duties and responsibilities of person concerned.**—(i) It shall be the duty and responsibilities of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of muck in a specified places as specified by the M C Hamirpur.
- (ii) Whosoever is found dumping Muck other than the place specified by the M.C. Hamirpur, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Bye–laws.
- (iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.
- 7. Impounding of Vehicle.—(i) The authorized officer or the police establishment of the MC Hamirpur in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye–laws.
- (ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye –laws.
- (iii) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the MC Hamirpur till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000 /- per day payable by registered owner to the MC Hamirpur in cash or through demand draft.
- **8.** Compounding of Offences.— All the offences punishable under these Bye–laws may, before, the institution of Prosecution, be compounded by such officer as may be authorized by the MC Hamirpur or Executive Officer in this behalf, on payment of such sum as may be specified by such officer under these Bye –laws.
- 9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned Municipal area under section 260 of the Code of Criminal Procedure.

- 10. Penalty .—(i) Whosoever, is guilty of dumping Muck other than the place specified / notified by the MC Hamirpur, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the MC Hamirpur in respect of the class and make of vehicle as defined in Clause 5 of these Bye– laws.
- (ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/execution work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be , shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned .

SITE PROVIDED FOR MUCK DUMPING

Municipal Council Hamirpur provided two sites for muck dumping which are appended below :—

1. Bajuri 2. Dugneri near SWM Project.

By order, Sd/-Executive Officer, Municipal Council Hamirpur, Distt. Hamirpur (H.P.).

MUNICIPAL COUNCILL SOLAN DISTT. SOLAN HIMACHAL PRADESH

(CONTROL AND REGULATION OF) OF MUCK DUMPING BYE-LAWS, 2012

NOTIFICATION

Dated, the 02nd March, 2013

No. MC Solan/2013-6386.—The following Muck dumping by-laws, 2012 made by the Municipal Council, Solan in exercise of the power conferred by section 216, 217 and Section 219 read with clause (y and z b) of sub section 202 of the Himachal Pradesh Municipal Act, 1994 (act No. 13 of 1994) as amended from to time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the Municipal Council, Solan after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws had any, objection (s) against these draft rules, he may sent the written objections to the Executive officer/Secretary of concerned ULB, within the aforesaid period.

Objections, if any, received within the period as specified above, shall be taken into consideration by the Municipal Council, Solan before finalizing these bye-laws namely:—

"Municipal Council, Solan (Control and Regulation) of Muck Dumping Bye-laws, 2012."

Preliminary

1. Short title, commencement and application.—(i) These Bye-laws may be called "Municipal Council, Solan (Control and Regulation) of Muck Dumping Bye-laws, 2012."

- (ii) These Bye-laws shall come into force from the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- (iii) These Bye-laws shall be applicable within the jurisdiction of Municipal Council, Solan as defined from time to time.
 - 2. **Definitions:** (i) In these Bye-laws, unless the context otherwise requires:—
 - (a) "Act"- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
 - **(b)** "Applicant"- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the Municipal Council, Solan.
 - **(c) "Authorized Officer"-** means any Officer/official duly authorized by the Municipal Council, Solan under these Bye-laws.
 - (d) "Muck"- includes earth of stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
 - (e) "Place"- means authorized site specified by the Municipal Council, Solan for dumping of muck.
 - **(f) "Judicial Magistrate First Class"-** means the Judicial Magistrate having jurisdiction over the area of Municipal Council, Solan under the Act.
 - **(g)** Words and expressions used in these Bye-laws but not defined herein shall have the meaning respectfully assigned to them under the Act.
- **3. Prohibition on Muck Dumping:—(i)** no person, either by himself of through another, shall knowingly of otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the Municipal Council, Solan for dumping of Muck within their area.
- (ii) any person found dumping the Muck illegally, un un-authorisly and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for the dumping shall be impounded.
- 4. Procedure for Application and grant of permission:— (i) applicant or the person concerned intended to commence the construction within the area of the Municipal Council, Solan shall in writing submit detailed estimate of Muck to be generated from the plot/construction site to the MC/NP on the prescribed proforma annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.
- (ii) the estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be generated from the Plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.
- (iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the MC Solan on this account.
- (iv) the place for dumping of muck shall be communicated to the applicant by the MC/NP authorities in writing and the name of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the contractor hired or engaged by the MC Solan for managing the dumping site.

- (v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the Municipal Council, Solan at the time of inspection.
- (vi) there shall be restriction on movement of the vehicle carrying Muck after 10.P.M. and before the 6.00A.M.. The normal timings for dumping the Muck in the dumping site shall be between 6.00 A. M. to 10.00 P. M. However, in the case of exigencies, the Municipal Council, Solan may in writing relax such restrictions.
- (vii) no one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the MC in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.
- (viii) the person after obtaining the sanction of building map from the competent authority of before raising the construction at site is required to install a painted board of the size 4'X3' indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck, nature of sanction, the area of construction sanctioned on each floor and the telephone number of the office/Control Room set up by the Municipal Council, Solan for entertainment of complaints etc.
- (ix) the Municipal Council, Solan shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.
- **5.** Rates for dumping of Muck- the following rates shall be applicable for dumping of Muck in the specified places.
 - (I) Pickup Rs.100/- per pickup
 - (ii) Tipper light duty Rs.200/-per tipper
 - (iii) Tipper Heavy duly/truck Rs. 400/- per tipper/truck.
 - (iv) Mule Rs.25/-Per Mule
 - (v) Manual Rs. 5/- Each bag

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by **Municipal Council**, **Solan**.

- **6. Duties and responsibilities of person concerned.—(i)** it shall be the duty and responsibility of owner to make available all the sanction/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified places as specified by the Municipal Council, Solan.
- (ii) Whosoever is found dumping Muck other than the place specified by the Municipal Council Solan, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these bye-laws.
- (iii) at the time of transportation of Muck the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.
- 7. Impounding of vehicle.— (i) the authorized officer or the police establishment of the Municipal Council, Solan in this behalf either on the information received by himself of through

other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point if time and impound the same if found violating the provisions of these Bye-laws.

- (ii) the vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws.
- (iii) the official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authority officer/official and keep the same in custody at the place designation by the Municipal Council, Solan till it is not released to the registration owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/- per day payable by registered owner to the Municipal Council, Solan in cash or through demand draft.
- **8.** Compounding of offences.—all the offences punishable under these Bye-laws ms, before, the institution or Prosecution, be compounded by such officer as may be authorized by the Municipal Council, Solan of Executive officer in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.
- 9. Offences to be tried summarily.—the offences which are not compounded shall be tried in a summary manner by the Special Judicial Magistrate First Class of the concerned municipal area under section 260 of the Code of Criminal Procedure.
- 10. Penalty.—(i) whosoever, is guilty of dumping Muck other than the place specified/ notified by the M.C.Solan, the rate of penalty shall be Two times at the first instance, three times at the second instance and for the third instance of thereafter the amount of penalty shall be Four times of the actual rate of dumping provided that the defaulter carry the muck and dispose on the dumping site otherwise the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance of thereafter the amount of penalty shall be thirty times of the actual rate of dumping as fixed by the Municipal Council, Solan if he does not carry the same in respect of the class and make of vehicle as defined in Clause 5 of these By-laws.
- (ii) in case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally of without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer/official may request the competent authority for withdrawn of recognition and registration if any granted in their favour including withdrawn of building sanction granted in favour of the owner concerned.

By order, Sd/-Executive officer, Municipal Council, Solan.H.P.

NAGAR PANCHAYAT BHOTA (Name of NP) BHOTA (CONTROL AND REGULATION) OF WORK MUCK DUMPING BYE-LAWS, 2012

NOTIFICATION

Dated, the 25th April, 2013

No. Muck dumping /NPB/191-192.—The following Muck Dumping bye-laws, 2012 made by the NP in exercise of the power conferred by Section 216, 217 and Section 219 read with Clause

(y and z) of sub section (1) of Section 202 of the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time are hereby published in the Rajpatra, Himachal Pradesh (extraordinary) for the information of general public and notice is hereby given that the said draft bye-laws shall be considered by the MC/NP after expiry of a period of 15 days from the date of its publication in the Rajpatra, Himachal Pradesh.

If any person, likely to be affected by these draft bye-laws has any, objection (s) against these draft rules, he may sent the written objections to the Secretary of Nagar Panchayat Bhota, with in the aforesaid period.

Objections, if any, received within period as specified above, shall be taken into consideration by the NP before finalizing these bye-laws namely:—

"NP Bhota (Control and Regulation) of Muck Dumping Bye-Laws, 2012"

- 1. Short title, commencement and application.—(i) These Bye-Laws may be called, "NP Bhota(Control and Regulation) of Muck Dumping Bye-Laws ,2012".
- (ii) These Bye-Laws shall come into force the date of their publication in the Rajpatra (extraordinary) Himachal Pradesh.
- (iii) These Bye-Laws shall be applicable within the jurisdiction of NP Bhota as defined from time to time.
 - 2. **Definitions.—(i)** in these bye-laws, unless the context otherwise requires:—
 - (a) "Act"- means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994) as amended from time to time.
 - **(b)** "Applicant"- means any person applying for permission for dumping of Muck in the authorized dumping places as specified by the NP.
 - **(c) "Authorized Officer"-** means any Officer/Official duly authorized by the NP Bhota under these bye-laws.
 - (d) "Muck"- includes earth or stone, material of any description or any rubbish or polluted or obnoxious matter or Debris including building, construction waste.
 - (e) "Place"- means authorized site specified by the NP Bhota for dumping of Muck.
 - **(f) "Judicial Magistrate First Class"-** means the Judicial Magistrate having jurisdiction over the area of NP Bhota under the Act.
 - **(g)** Words and expressions used in these Bye-Laws but not defined here in shall have the meaning respectfully assigned to them under the Act.
- **3. Prohibition on Muck Dumping.—(i)** no person, either by himself or through another, shall knowingly or otherwise throw or cause to be thrown any kind of Muck in any place other than the place specified by the NP Bhota for dumping of Muck with in their area.
- (ii) Any person found dumping the Muck illegally, unauthorized and without any permission shall be liable for penalty under these Bye-laws and the vehicle or tools used for such dumping shall be impounded.
- (4) Procedure for Application and grant of permission.—(i) applicant or the person concerned intended to commence the construction within the area of the MC/NP shall in writing submit detailed estimate if Muck to be generated from the plot, construction site to the NP on the

prescribed Performa annexed with these Bye-laws as appendix-I at the time of submission of their building map/plan for sanction. The building plan without such estimate shall not be considered for sanction.

- (ii) The estimate submitted by the applicant shall be verified by the concerned official after spot inspection and thereafter the carriage of muck to be (ix) The NP shall prescribe the conditions relating to the application of muck generation from the plot, grant of sanction for muck disposal and condition relating to affixing of board at site giving therein the detail as mentioned in clause (viii) at the time of grant of building sanction.
- **5.** Rates for dumping of Muck.—The following rates shall be applicable for dumping of Muck in the specified places.

(i) Manual Rs. 10/- Per load (ii) Mule Rs. 20/- Per

(iii) Pick up
(iv) Tipper light duty

Rs. 300/- per pickup
Rs. 700/- per tipper

(v) Tipper Heavy duty/truck Rs. 1200/- per tipper/truck.

An increase of 10% on these rates shall be applicable after every financial year which shall be notified by the MC/NP.

- **6. Duties and responsibilities of person concerned.— (i)** it shall be the duty and responsibility of owner to make available all the sanctions/permission granted by the competent authority to the person so hired or engaged by him for dumping of Muck in a specified by the NP.
- (ii) Who so ever is found dumping Muck other than the place specified by the NP, the owner or the person caught dumping the Muck shall be liable jointly for penalty under these Byelaws.
- (iii) At the time of transportation of Muck, the person concerned shall make available the permission to the inspecting staff at the time of inspection of vehicle without causing any hindrance.
- 7. Impounding of vehicle.—(i) The authorized officer or the police establishment of the MC/NP in this behalf either on the information received by himself or through other source shall immediately on receiving such information may stop and inspect the vehicle carrying muck for the purpose of ascertaining the required permission at any point of time and impound the same if found violating the provisions of these Bye-laws.
- (ii) The vehicle shall only be released in case the register owner of the vehicle applies for compounding of offences under these Bye-laws generated from the plot/construction site shall be assessed for raising the bill and for according necessary permission in favour of the applicant.
- (iii) The permission for dumping of debris shall be accorded only after obtaining receipt of the amount deposited by the applicant in the NP on this account.
- (iv) The place for dumping of muck shall be communicated to the applicant by the NP authorities in writing and the same of the place/site for dumping of debris by the applicant shall also be mentioned in their building sanction letter. Further, intimation of the same shall also be given to the concerned official or to the concerned agency. Or the contractor hired or engaged by the NP for managing the dumping site.

- (v) During transportation of the Muck, a person shall have to carry the original permission a copy of which shall be affixed on the windscreen of the vehicle and the same shall have to be shown to the authorized Officer of the NP at the time of inspection.
- (vi) There shall be a restriction on movement of the vehicle carrying Muck after the sun set and before sun rise. The normal timings for dumping the Muck in the dumping site shall be between 09.00 A. M. to 05.00 P. M. However, in the case of exigencies, the NP may in writing relax such restrictions.
- (vii) No one shall be permitted to carry the digging and excavation of plot or land after sun set and before sun rise but the NP in the larger public interest or in the case of emergent situation may relax such imposition/restrictions on receiving written request from the applicant or the concerned agency or the authority interested in this regard.
- (viii) The person after obtaining the sanction of building map from the competent authority or before raising the construction at site is required to install a painted board size of \dots x \dots indicating there in the number and date of the sanction, commencement of construction and hours during which construction can be carried out, time when excavation can be done, name of dumping site allotted to the applicant for the purpose of dumping muck , nature of sanction, the area of construction sanctioned on each floor and the telephone number of the Office/Control Room set up by the NP for entertainment of complaints etc.
- (ix) The official impounding the vehicle shall immediately report in writing about the impounding of vehicle to the authorized officer/official and keep the same in custody at the place designated by the NP till it is not released to the registered owner. The halt charges of the vehicle at such designated place shall be levied at the rate of Rs. 1000/-per day payable by registered owner to the NP in cash or through demand draft.
- **8.** Compounding of offences .—All the offences punishable under these Bye-laws may, before, the institution of Prosecution, be compounded by such officer as may be authorized by the NP or Executive/Secretary in this behalf, on payment of such sum as may be specified by such officer under these Bye-laws.
- 9. Offences to be tried summarily.—The offences which are not compounded shall be tried in a summary manner by the Judicial Magistrate First Class of the concerned municipal area under section 260 of the code of Criminal Procedure.
- 10. Penalty.—(i) whosoever, is guilty of dumping Muck other than the place specified/notified by the NP, the rate of penalty shall be ten times at the first instance, twenty times at the second instance and for the third instance or there after the amount of penalty shall by thirty times of the actual rate of dumping as fixed by the NP in respect of the class and make of vehicle as defined in Clause 5 of these Bye-laws.
- (ii) In case of repeated violation, in addition to penalty as specified above, the owner at whose instance the construction/excavation work is carried and is found dumping the Muck illegally or without the permission of the competent authority as the case may be, shall also be liable for disconnection of water, electricity and others civic amenities and the concerned Officer / Official may request the competent authority for withdrawal of recognition and registration if any granted in their favour including withdrawal of building sanction granted in favour of the owner concerned.

By order, Sd/-Secretary, Nagar Panchayat Bhota, Distt-Hamirpur(H. P.).